

Introduced by Senator Dunn

December 21, 2004

An act to add Section 18407 to the Health and Safety Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 40, as introduced, Dunn. Mobilehome parks.

The Mobilehome Parks Act requires the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for the enforcement of the act to enter and inspect mobilehome parks every 7 years to ensure enforcement of the act and implementing regulations. Existing law requires an enforcement agency to issue notice to correct a violation within 10 days of determining that a mobilehome park is in violation of the act or implementing regulations or immediately if the violation constitutes an imminent threat to health and safety. Existing law requires violations that constitute an imminent threat to health and safety to be corrected within a reasonable time, as determined by the enforcement agency.

This bill would, if an owner or operator of a mobilehome park fails to comply within a reasonable time with the terms of the order or notice, authorize the enforcement agency to seek and the court to order imposition of the penalties provided for under the act, authorize a court, upon motion by the enforcement agency, the park owner or operator, or the residents or homeowners occupying the park, to issue an order that would result in correction of defects, rather than closure of the park or suspension of its permit to operate, or authorize the enforcement agency, a homeowner or resident, or a homeowner or resident association or organization to seek and the court to order the appointment of a receiver for the park if the violation or violations are

so extensive and of a nature that the health and safety of the homeowners, residents, or the public is substantially endangered.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18407 is added to the Health and Safety
2 Code, to read:

3 18407. (a) If an owner or operator of a park fails to comply,
4 within a reasonable time, with the terms of an order or notice
5 issued pursuant to this part, the following provisions shall apply:

6 (1) The enforcement agency may seek and the court may order
7 imposition of the penalties provided for under this part.

8 (2) Notwithstanding any other provision of law, upon motion
9 by the enforcement agency, the park owner or operator, or the
10 residents or homeowners occupying the park, a court may issue
11 an order that would result in correction of defects, rather than
12 closure of the park or suspension of its permit to operate. The
13 order may provide that fines and penalties be paid for
14 improvements or that a lien be levied against the property to pay
15 the cost of an independent receiver to complete repairs or any
16 other just and reasonable procedures.

17 (3) The enforcement agency, a homeowner or resident, or a
18 homeowner or resident association or organization may seek and
19 the court may order the appointment of a receiver for the park
20 pursuant to this section if the violation or violations are so
21 extensive and of a nature that the health and safety of the
22 homeowners, residents, or the public is substantially endangered.

23 (b) In its petition to the court, the petitioner shall include proof
24 that notice of the petition was served not less than three days
25 prior to filing the petition, pursuant to Article 3 (commencing
26 with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code
27 of Civil Procedure, to all persons with a recorded interest in the
28 real property upon which the park exists.